

## Remarks

This response addresses the Office Action dated October 18, 2007. In the Office Action, Applicant's Claims 22- 24, 28, 30-32, and 34 were rejected as anticipated by U.S. Pat. No. 6,401,033. Applicant's Claims 25, 27, and 33 were rejected as obvious over the '033 patent and the published article "Virtual GIS: A Real-Time 3D Geographic Information System." Applicant's Claim 26 was rejected as obvious over the combination of the '033 patent, "Virtual GIS: A Real-Time 3D Geographic Information System", and "Map Quests." Applicant's Claim 29 was rejected as obvious in light of the '033 patent and Freedman. This response addresses all these rejections.

**I. Applicant's independent Claims 22 and 34 are not anticipated by U.S. Pat. No. 6,401,033.**

Applicant's Claims 22 and 34 are novel over the '033 patent because these claims recite at least one element not disclosed by the '033 patent. Specifically, the '033 patent<sup>1</sup> does not disclose a "*second dataset*" "*used in computer games that depict real geographic locales as part of play scenarios of the computer games*", where the "*second dataset*" had been extracted from the same "*source database*" from which a "*first dataset*" had also been extracted and used in a "*navigation system*." The '033 patent discloses a navigation system with a game playing feature (column 4, line 45). According to the '033 patent, the games that can be played on the navigation system use the same hardware and database used for providing navigation features and include "navigation games" ('033 patent: column 6, line 1), such as a sign text alphabet game ('033 patent: column 6, line 2), a trivia game ('033 patent: column 8, line 9), and a treasure hunt game ('033 patent: column 9, line 1). However, the '033 patent does not disclose games that have "*play scenarios*" and thus this limitation of Applicant's Claims 22 and 34 is not met by the '033 patent. Accordingly, at least for this reason, Applicant's Claims 22 and 34 are novel over the '033 patent.

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<sup>1</sup> U.S. Pat. No. 6,401,033 is assigned to the assignee of the present application. To the extent permissible by law, any remarks in this response about the '033 patent should not be construed as limiting or narrowing the scope of the claims thereof.

**II. Applicant's dependent Claims 23, 24, 28 and 30-32 are not anticipated by U.S. Pat. No. 6,401,033.**

Applicant's Claims 23, 24, 28 and 30-32 are dependent claims that depend from independent base Claim 22. Each of these claims is not anticipated by the '033 patent for at least the same reasons as Claim 22. In addition, these claims include additional limitations that are not disclosed or suggested by the '033 patent.

**III. Applicant's dependent Claims 25, 27 and 33 are not obvious over U.S. Pat. No. 6,401,033 and the article "Virtual GIS: A Real-Time 3D Geographic Information System."**

Applicant's Claims 25, 27, and 33 are dependent claims that depend from independent base Claim 22. These claims were rejected as obvious over the combination of the '033 patent and the published article "Virtual GIS: A Real-Time 3D Geographic Information System." Each of these dependent claims is not obvious over this combination of references because these references do not disclose all the limitations of these claims, even if they are combined. Specifically, even if these references were combined, the resultant combination would fail to disclose a "*second dataset*" "*used in computer games that depict real geographic locales as part of play scenarios of the computer games.*" As explained above, the '033 patent does not disclose a game having a "*play scenario.*" Likewise, the article "Virtual GIS: A Real-Time 3D Geographic Information System" does not disclose use in a game having a "*play scenario.*" Because neither of these references discloses this limitation, Applicant's Claims 25, 27, and 33 are not obvious over the combination of these references.

**IV. Applicant's dependent Claim 26 is not obvious over the combination of U.S. Pat. No. 6,401,033, the article "Virtual GIS: A Real-Time 3D Geographic Information System" and the publication "Map Quests."**

Applicant's Claim 26 is a dependent claim that depends from dependent Claim 25. This claim was rejected as obvious over the combination of the '033 patent, the article "Virtual GIS: A Real-Time 3D Geographic Information System", and the publication "Map Quests." Applicant's Claim 26 is not obvious over this combination of references because one of ordinary skill in the art would not combine these references. In

fact, the publication "Map Quests" specifically teaches away from the method disclosed in Applicant's claim. The "Map Quests" publication states the following:

Activision producers used satellite imagery, GPS, and geological surveys to re-create 240 square miles of the city to scale.

EA's developers started with maps and archive photos and then hit the road. They visited conflict sites- like a former POW-operated supply line for the Japanese army and recorded hours of video audio samples, and digital pictures.

. . . producers consulted piles of reference, including Auto Club maps and city zoning charts.

These passages from "Map Quests" teach that game developers collect their own geographic information to create their own digital maps for use in their computer games. This is exactly opposite of Applicant's method. Thus, these passages from "Map Quests" teach away from the method of Applicant's claim that recites that the "*dataset*" used in a "*computer game*" is extracted from the same "*source geographic database*" from which another "*dataset*" is extracted and used in a "*navigation system*." Because "Map Quests" teaches away from the Applicant's claimed method, one of ordinary skill would not combine the teachings of "Map Quests" with those of the '033 patent and "Virtual GIS: A Real-Time 3D Geographic Information System." Therefore, Applicant's Claim 26 is not obvious over this combination of references.

**V. Applicant's dependent Claim 29 is not obvious over the combination of U.S. Pat. No. 6,401,033 and the publication "Map Quests."**

Applicant's Claim 29 is a dependent claim that depends from independent Claim 22. This claim was rejected as obvious over the combination of the '033 patent and the publication "Map Quests." Applicant's Claim 29 is not obvious over this combination of references because one of ordinary skill in the art would not combine these references. As explained above in connection with Claim 26, "Map Quests" teaches that game developers collect their own geographic information to create their own digital maps for use in their computer games. Thus, "Map Quests" specifically teaches away from the method of Applicant's claim that recites that the "*dataset*" used in a "*computer game*" is extracted from the same "*source geographic database*" from which another "*dataset*" is extracted and used in a "*navigation system*." Because "Map Quests" teaches away from

Applicant's claimed method, one of ordinary skill would not combine the teachings of "Map Quests" with those of the '033 patent and therefore Applicant's Claim 29 is not obvious over this combination of references.

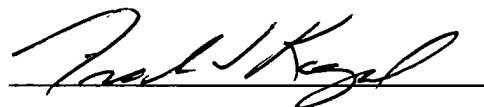
**VI. New Claims 35-46**

With this response, Applicant adds new Claims 35-46. These new claims relate to further aspects of the disclosed subject matter. These new claims distinguish the cited prior art. No new matter has been added.

**VII. Conclusion**

Applicant has addressed all the rejections in the Office Action dated October 18, 2007. The present application is considered to be in good and proper form for allowance. To expedite prosecution, the Examiner is invited to call the Applicant's representative at the number given below to schedule an interview.

Respectfully submitted,



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